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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,657	12/06/2001	Mathias Althin	12587-012001	8738
26212	7590	01/21/2005	EXAMINER	
FISH & RICHARDSON P.C. 225 FRANKLIN STREET BOSTON, MA 02110			NGUYEN, TRONG NHAN P	
			ART UNIT	PAPER NUMBER
			2152	

DATE MAILED: 01/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/010,657

Applicant(s)

ALTHIN ET AL.

Examiner

Jack P Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

Claims 1-18 are being examined.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

**Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Fitzsimmons, US Pub 2002/0068991 (Fitzsimmons hereafter).**

As per claim 1, Fitzsimmons teaches a mobile guide communications system comprising: at least one portable device (fig. 3, page 2, paragraph 0029) including at least one display means, an infra-red (IR) communication unit (370, fig. 3, page 2, paragraph 0030) and a wireless communication unit (348, fig. 3, page 2, paragraph 0030; portable device communicates with the servers wirelessly using both its IR and radio frequency (RF) capabilities); a plurality of object servers (444, fig. 4; exhibit servers store exhibit information (represented by exhibit identification (ID) codes) to be presented to the user of the portable device via its IR capability), each object server associated with an object and including an IR communication unit configured to communicate with the portable devices (page 3, paragraph 0036; exhibit server has an infra-red sensor that communicates via infra-red with the portable device); and at least one central server (452, fig. 4; audio/video server) including a memory and a wireless

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communication unit configured to communicate with the portable devices (page 3, paragraph 0036; audio/video (A/V) server stores multimedia files that communicate wirelessly with the portable devices via its radio frequency (RF) capability).

Claims 11, 13, and 15 are rejected for similar reasons as claim 1 addressed above. Fitzsimmons further teaches establishing an IR connection between a mobile terminal and a specific object server associated with a specific object; transferring a specific object identity code from a memory of the specific object server to the terminal over the IR connection (page 4, paragraph 0040; upon establishing an IR connection between the exhibit server (object server) and the portable device when the device is within range of the server, the exhibit server sends the exhibit identification (ID) codes to the portable device that pertain to the exhibits that the user of the portable device are reviewing); establishing a wireless connection between the terminal and a central server (530, fig. 5; page 4, paragraph 0046; portable device also connects wirelessly via RF LAN to retrieve additional exhibit-related data from a plurality of content servers (A/V server (452, fig. 5), library content server (545, fig. 5), Internet web sites (570, fig. 5), etc); transferring the object identity code to the central server; retrieving requested information from a database of the central server based on the object identity code; transferring the retrieved information to the terminal; and presenting the information on a display of the terminal (page 4, paragraph 0047; as previously stated, exhibit server transmits exhibit ID codes to portable device via its IR capability; using these exhibit ID codes, portable device connects wirelessly (via RF LAN) to the content servers to retrieve additional exhibit-related data).

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As per claims 2-3, 12, 14, and 16, Fitzsimmons teaches the display means is capable of displaying at least one of a multimedia presentation (page 2, paragraph 0025); the portable device further comprises an Internet connection (570, fig. 5; portable device can access and retrieve additional exhibit-related data via world wide web (WWW) sites using Internet links).

Claims 4-10 and 17-18 recite similar limitations as claims 1, 11, 13, and 15; therefore, they are rejected for similar reasons as claims 1, 11, 13, and 15 addressed above. Fitzsimmons further teaches the object server is located within a predetermined distance from its associated specific object (page 6, paragraph 0057; exhibit server communicates via IR with objects that are within its close physical proximity).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Matsumoto et al, 5,461,371 ; Schanhals et al, 6,337,856 ; Usuda, 6,784,424 ; Arndt et al, US Pub 2002/0077905 ; Bullock et al, 5,351,186 ; Swartz et al, 6,128,549 ; Baron, 6,459,388 ; Rautila, 6,714,797; Hale et al, 6,785,539

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack P Nguyen whose telephone number is (571) 272-3945. The examiner can normally be reached on M-F 8:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571) 272-3949. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jpn



Dung C. Dinh  
Primary Examiner